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Docket No.: N9810.0029/P029  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Harry A. Dugger, III et al.

Application No.: 10/671,720

Confirmation No.: 9272

Filed: September 29, 2003

Art Unit: 1616

For: BUCCAL, POLAR AND NON-POLAR  
SPRAY CONTAINING ALPRAZOLAM

Examiner: M. Haghighatian

**RESPONSE TO RESTRICTION REQUIREMENT AND ELECTION OF SPECIES**

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the restriction requirement set forth in the Office Action mailed February 6, 2006, Applicants hereby elect Group I, claims 1-10, 22-28, 40-48, 57-59, 61, 63, 65, 67, 69, 71, 73, 75, 77, 79, 81, 83, 85, 87, 89 and 91 for continued examination. With respect to the species election requirement, Applicants hereby elect the following species: treating anxiety.

The Examiner has required restriction between Group I, claims 1-10, 22-28, 40-48, 57-59, 61, 63, 65, 67, 69, 71, 73, 75, 77, 79, 81, 83, 85, 87, 89 and 91, drawn to a propellant free composition; and Group II, claims 11-21, 29-40, 49-56, 58, 60, 62, 64, 66, 68, 70, 72, 74, 76, 78, 80, 82, 84, 86, 88, 90 and 92, drawing to a composition containing propellant. In addition, according to the Office Action, "claims 57-98 are generic to a

plurality of disclosed patentably distinct species comprising method of treating various disorders by using alprazolam as the active agent."

Applicants expressly reserve the right to file a divisional application directed to the non-election claims.

Dated: 3/3/06

Respectfully submitted,

By 

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